

AMENDED IN SENATE MAY 3, 2007  
AMENDED IN SENATE APRIL 10, 2007

**SENATE BILL**

**No. 509**

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**Introduced by Senator Simitian**

February 22, 2007

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An act to add Section 41713 to the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

SB 509, as amended, Simitian. Air pollution: formaldehyde.

(1) Existing law requires the State Air Resources Board to adopt regulations to achieve the maximum feasible reduction in volatile organic compounds emitted by consumer products, if the state board determines that the regulations are necessary to attain state and federal ambient air quality standards and are commercially and technologically feasible and necessary. *Existing law further provides for the regulation of formaldehyde in foam insulation; milk and milk products; and hazardous waste, solid waste, and biohazard waste; and for consumer education relative to formaldehyde as a hazard affecting real property.*

This bill would prohibit a person from manufacturing, selling, importing, supplying, or distributing for use in the state composite wood products, and the end-use applications for which those products are utilized, unless the wood product and the end-use application comply, ~~no later than commencing January 1, 2009, and no later than commencing January 1, 2011,~~ with successive specified emissions limits of formaldehyde. The bill would leave unspecified the emissions ~~limits~~ *limit* to be met ~~no later than commencing January 1, 2013.~~

(2) Existing law generally provides that a violation of various laws, rules, and regulations relating to air pollution is a crime.

Because the bill would create new emission limits, the violation of which would be a crime, the bill would impose a state-mandated local program by creating a new crime.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. (a) In June 2004, the International Agency for  
2 Research on Cancer (IARC), a part of the World Health  
3 Organization, reclassified formaldehyde as a known human  
4 carcinogen based on sufficient evidence in both humans and  
5 experimental animals. The IARC Working Group also concluded  
6 there is "... strong but not sufficient evidence for a causal  
7 relationship between leukemia and occupational exposure to  
8 formaldehyde."

9 (b) California has long known formaldehyde to be a danger to  
10 humans and in 1992 the Office of Environmental Health Hazard  
11 Assessment declared formaldehyde a toxic air contaminant and,  
12 "... that formaldehyde be treated as having no safe threshold  
13 exposure level below which no significant adverse health impacts  
14 are anticipated."

15 (c) In spite of the overwhelming and longstanding concerns  
16 over the safety of formaldehyde emissions, there are no regulations  
17 regarding these emissions in the United States. The European  
18 Union, Japan, and China each have domestic regulations limiting  
19 the amount of formaldehyde that can be emitted from these  
20 products.

21 (d) The dangers to Californians from exposures to the release  
22 of formaldehyde contained in composite wood products in the  
23 home environment is of particular concern due to the increased  
24 exposures for children, who are especially susceptible to this  
25 carcinogenic toxin.

26 SEC. 2. Section 41713 is added to the Health and Safety Code,  
27 to read:

1 41713. (a) Commencing January 1, 2009, a person shall not  
2 manufacture, sell, import, supply, or distribute for use in the state  
3 composite wood products, including, but not limited to, hardwood  
4 plywood, medium-density fiberboard, and particleboard panel,  
5 and the end-use applications for which those products are utilized,  
6 including, but not limited to, kitchen cabinets, casework, and  
7 furniture, unless the wood product and the end-use application  
8 comply with an emission limit not exceeding 0.08 parts per million  
9 (ppm) of formaldehyde.

10 (b) Commencing January 1, 2011, a person shall not  
11 manufacture, sell, import, supply, or distribute for use in the state  
12 composite wood products, including, but not limited to, hardwood  
13 plywood, medium-density fiberboard, and particleboard panel,  
14 and the end-use applications for which those products are utilized,  
15 including, but not limited to, kitchen cabinets, casework, and  
16 furniture, unless the wood product and the end-use application  
17 comply with an emission limit not exceeding 0.05 ppm of  
18 formaldehyde.

19 ~~(c) (1) The executive officer of the state board may grant a~~  
20 ~~nonrenewable relaxation of the emissions limits described in~~  
21 ~~subdivisions (a) and (b) for up to a two-year period for~~  
22 ~~particleboard panel and medium-density fiberboard.~~

23 ~~(2) The executive officer may relax the emission limits described~~  
24 ~~in subdivisions (a) and (b) only if the executive officer makes both~~  
25 ~~of the following findings:~~

26 ~~(A) Economic hardship for specific sectors of the composite~~  
27 ~~wood industry that is based on an inability of a specific sector to~~  
28 ~~meet an emission limit.~~

29 ~~(B) The lack of availability of a comparable product that poses~~  
30 ~~a lesser hazard to public health and the environment.~~

31 ~~(3) The executive officer shall not lessen the limit described in~~  
32 ~~subdivision (a) to above 0.18 ppm for particleboard panel and~~  
33 ~~above 0.21 ppm for medium-density fiberboard. The executive~~  
34 ~~officer shall not lessen the limit described in subdivision (b) to~~  
35 ~~above 0.09 ppm for particleboard panel and above 0.11 ppm for~~  
36 ~~medium-density fiberboard.~~

37 ~~(d)~~

38 (c) Commencing January 1, 2013, a person shall not  
39 manufacture, sell, import, supply, or distribute for use in the state  
40 composite wood products, including, but not limited to, hardwood

1 plywood, medium-density fiberboard, and particleboard panel,  
2 and the end-use applications for which those products are utilized,  
3 including, but not limited to, kitchen cabinets, casework, and  
4 furniture, unless the wood product and the end-use application  
5 comply with an emission limit of \_\_\_\_.

6 ~~(e)~~

7 *(d)* As used in this section, “emission limit” means an allowable  
8 panel surface emission based on formaldehyde concentration made  
9 using the American Society for Testing and Materials (ASTM)  
10 testing method E 1333-96.

11 SEC. 3. No reimbursement is required by this act pursuant to  
12 Section 6 of Article XIII B of the California Constitution because  
13 the only costs that may be incurred by a local agency or school  
14 district will be incurred because this act creates a new crime or  
15 infraction, eliminates a crime or infraction, or changes the penalty  
16 for a crime or infraction, within the meaning of Section 17556 of  
17 the Government Code, or changes the definition of a crime within  
18 the meaning of Section 6 of Article XIII B of the California  
19 Constitution.